



CRA-AS-457-2023 (O&M)
[arising out of CRM-A-417-2023] 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRA-AS-457-2023 (O&M)
[arising out of CRM-A-417-2023]
Date of Decision: October 08, 2025

Shri Balaji Battery House

.....Appellant

Versus

Rajesh Kumar

.....Non-applicant(s)/Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None.

SANJAY VASHISTH, J.

1. Appellant – Shri Balaji Battery House had filed an application seeking grant of leave to appeal against the judgment of acquittal dated 17.02.2023, passed by learned Judicial Magistrate Ist Class, Bhiwani, in Complaint case bearing No. 809 of 2018/2019, CIS No. COMA/2890/2018, instituted on 03.11.2018/ 04.04.2019, under Section 138 of the Negotiable Instruments Act, 1881, titled as ‘Shri Balaji Battery House v. Rajesh Kumar’, whereby the complaint filed by the appellant herein was dismissed by acquitting the accused.

The said application was allowed by the Co-ordinate Bench of this Court, vide order dated 05.09.2023. Consequently, appeal bearing No. CRA-As-457-2023 was assigned to the present case.

2. Shorn off the factual matrix of the present case, it is suffice to notice that in the recent mandate of law laid down by Hon’ble the Apex Court, in the case of **M/s Celestium Financial v. A. Gnanasekaran etc.** [Criminal Appeal Nos. 1868-70 of 2025, decided on 08.04.2025, reported as 2025 (3) RCR (Criminal) 208 : Law Finder Doc Id # 2737710 : 2025 SCC OnLine SC 1320], their Lordships’ have answered the issue in affirmative that whether an appeal would be maintainable under the proviso to Section 372 Cr.P.C.



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concerned Court shall decide the appeal on merits as per law, as expeditiously as possible.

Since similar directions are being passed by this Court in number of cases, the concerned Appellate Court need not to adhere to the delay aspect, if any, involved in the case, for the purpose of considering the issue raised in the appeal and its disposal on merit.

7. The Registry is directed to transmit this order alongwith copy of the complete paper-book of this case, as also return the record of the Trial Court, if received, to the learned Sessions Judge, Bhiwani, forthwith.

8. Disposed of accordingly.

9. Pending miscellaneous application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

October 08, 2025

Pk Kapoor

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>